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EXAMINER

WON, MICHAEL YOUNG

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2155

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,576	Applicant(s) COULOMBE ET AL.	
	Examiner Michael Y. Won	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/24/04 & 6/11/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed on January 26, 2007.
2. Claims 1-20 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Christopoulos et al. (US 6,961,754).

INDEPENDENT:

As per **claim 1**, Christopoulos teaches a method by which a multimedia message is transcoded en route from a sending terminal (21) via a messaging server (22) to a receiving terminal (25) having limited multimedia capabilities (see Fig.2), so as to be suitable for reception and presentation by the receiving terminal (25), the method characterized by:

a step (31) in which a user agent (21a) of the sending terminal (21) inserts, into the message, media characteristics of the message sufficient in detail (see col.4, lines 8-12: "user preferences as well as the network and terminal capabilities is either provided to the external device ") to enable determining whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal (25) (see col.8, lines 2-8: "causes the object to be adapted, in accordance with the IAS and the TSS"); and

a step (33) in which the messaging server (22) reads the media characteristics and decides whether the message should be transcoded based only on the inserted media characteristics and on actual or assumed multimedia capabilities of the receiving terminal (25) (see col.5, lines 9-16: "the system employs a transcoder/scalability service means for modifying the set of multimedia data, based on a number of user preferences associated with one or both end-users, and based on a number of terminal and network connection capabilities").

As per **claim 11**, Christopoulos teaches a sending terminal (21), adapted for sending a multimedia message via a messaging server (22) to a receiving terminal (25) having limited multimedia capabilities (see Fig.2), the sending terminal (21) characterized by:

a user agent (21a) for inserting, into the message, media characteristics of the message sufficient in detail (see col.4, lines 8-12: "user preferences as well as the network and terminal capabilities is either provided to the external device ") to enable

the messaging terminal to determine whether the message should be transcoded based only on actual or assumed multimedia capabilities of the receiving terminal and the inserted media characteristics (see col.5, lines 9-16: "the system employs a transcoder/scalability service means for modifying the set of multimedia data, based on a number of user preferences associated with one or both end-users, and based on a number of terminal and network connection capabilities").

As per **claim 12**, Christopoulos teaches a messaging server (22), enhanced for determining whether to transcode a multimedia message sent from a sending terminal (21) to a receiving terminal (25) having limited multimedia capabilities, the messaging server (22) characterized by:

a characteristics reader and analyzer (22a), responsive to the message, for deciding whether the message should be transcoded based only on comparing media characteristics inserted into the message with actual or assumed multimedia capabilities of the receiving terminal (25) (see col.5, lines 9-16: "the system employs a transcoder/scalability service means for modifying the set of multimedia data, based on a number of user preferences associated with one or both end-users, and based on a number of terminal and network connection capabilities").

As per **claim 13**, Christopoulos teaches a system, comprising a sending terminal (21) and a messaging server (22), both adapted to perform according to a method by which a multimedia message is transcoded en route from the sending terminal (21) via

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the messaging server (22) to a receiving terminal (25) having limited multimedia capabilities, so as to be suitable for reception or presentation by the receiving terminal (25), the system characterized in that:

the sending terminal includes a user agent (21a) for performing a step (31) of inserting, into the message, media characteristics of the message sufficient in detail (see col.4, lines 8-12: "user preferences as well as the network and terminal capabilities is either provided to the external device ") to enable determining whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal (25) (see col.8, lines 2-8: "causes the object to be adapted, in accordance with the IAS and the TSS"); and

the messaging server (22) includes means (22a) for performing a step (33) of reading the media characteristics and deciding whether the message should be transcoded based only on the media characteristics and on actual or assumed multimedia capabilities of the receiving terminal (25) (see col.5, lines 9-16: "the system employs a transcoder/scalability service means for modifying the set of multimedia data, based on a number of user preferences associated with one or both end-users, and based on a number of terminal and network connection capabilities").

DEPENDENT:

As per **claim 2**, which depends on claim 1, Christopoulos further teaches wherein the messaging server (22) sends the message to a transcoding server (24) if

transcoding is needed, and the transcoding server (24) 20 uses the inserted media characteristics to itself decide if transcoding is needed (see Fig.2 and col.5, lines 9-16).

As per **claim 3**, which depends on claim 1, Christopoulos further teaches wherein the messaging server (22) sends the message to a transcoding server (24) if transcoding is needed, and the transcoding server (24) uses the inserted media characteristics to itself decide which parts of the message need transcoding (see Fig.2 and col.5, lines 9-16).

As per **claim 4**, which depends on claim 1, Christopoulos further teaches wherein the messaging server (22) determines, from the inserted media characteristics, which parts of the message need transcoding and sends the message to a transcoding server (24) if transcoding is needed for any message part, and includes in the message an indication of which parts of the message need transcoding (see Fig.2 and col.5, lines 9-16).

As per **claim 5**, which depends on claim 1, Christopoulos further teaches wherein the messaging server (22) determines, from the inserted media characteristics, which parts of the message need transcoding and sends only those message parts requiring transcoding to a transcoding server (24) (see Fig.6 and col.12, lines 40-51).

As per **claim 6**, which depends on claim 1, Christopoulos teaches of further comprising: a step (35) in which transcoding is performed based on the inserted media characteristics and the actual or assumed multimedia capabilities of the receiving terminal (25), without performing an analysis of the message to determine whether transcoding is needed (see col.4, lines 10-12 and col.5, lines 9-16).

As per **claim 7**, which depends on claim 6, Christopoulos further teaches wherein in the step (35) in which transcoding is performed, the transcoding is performed without also performing even an analysis to determine which parts of the message need to be transcoded (see col.12, lines 66-67).

As per **claim 10**, which depends on claim 1, Christopoulos further teaches wherein the media characteristics include image and video resolution, or number of frames and frame rate of visual content, or sampling rate of audio content (see col.4, lines 5-8).

As per **claim 14**, which depends on claim 13, Christopoulos further teaches wherein the messaging server (22) also includes or has access to means for performing a step (35) in which transcoding is performed based on the inserted media characteristics and the actual or assumed multimedia capabilities of the receiving terminal (25), without performing an analysis of the message to determine media characteristics of the message relevant to deciding whether transcoding is needed (see col.4, lines 10-12 and col.5, lines 9-16).

As per **claim 15**, which depends on claim 13, Christopoulos teaches of further comprising a transcoding server (24), the system further characterized in that the messaging server (22) is configured to send the message to the transcoding server (24) if transcoding is needed, and the transcoding server (24) is configured to use the inserted media characteristics to itself decide if transcoding is needed (see Fig.2 and col.5, lines 9-16).

As per **claim 16**, which depends on claim 13, Christopoulos teaches of further comprising a transcoding server (24), the system further characterized in that the messaging server (22) is configured to send the message to the transcoding server (24) if transcoding is needed, and the transcoding server (24) is configured to use the inserted media characteristics to itself decide which parts of the message need transcoding (see Fig.2 and col.5, lines 9-16).

As per **claim 17**, which depends on claim 13, Christopoulos teaches of further comprising a transcoding server (24), the system further characterized in that the messaging server (22) is configured to determine, from the inserted media characteristics, which parts of the message need transcoding and to send the message to the transcoding server (24) if transcoding is needed for any message part, and to include in the message an indication of which parts of the message need transcoding (see Fig.2 and col.5, lines 9-16).

As per **claim 18**, which depends on claim 13, Christopoulos teaches of further comprising means for transcoding (22 24) the message, and further characterized in that the means for transcoding (22 24) is performed based on the inserted media characteristics and the actual or assumed multimedia capabilities of the receiving terminal (25), without performing an analysis of the message to determine whether transcoding is needed (see col.12, lines 66-67).

As per **claim 19**, Christopoulos further teaches a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a sending terminal (21), said

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computer program code characterized in that it includes instructions for performing the steps of the method of claim 1 indicated as being performed by the sending terminal (21) (see col.3, lines 60-62).

As per **claim 20**, Christopoulos further teaches a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a messaging server (22), said computer program code characterized in that it includes instructions for performing the steps of the method of claim 1 indicated as being performed by the messaging server (22) (see col.16, lines 35-44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos et al. (US 6,961,754) in view of Hahn et al. (US 7,159,039).

As per **claim 8**, which depends on claim 1, although Christopoulos further teaches wherein the user agent (21a) inserts the media characteristics (see col.12, lines 60-66), Christopoulos does not explicitly teach of inserting data into a field in the header of the message.

Hahn teaches inserting data into a field in the header of the message (see col.4, line 63-col.5, line 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Hahn so that media characteristics can be inserted into a field in the header of the message. One would be motivated to do so because one of ordinary skill in the art would agree that such means is well known and widely employed to allow transmission to occur quickly in a single transaction without relaying multiple messages back and forth and because the location of inserting media characteristics is subjective and unpatentable.

As per **claim 9**, which depends on claim 1, although Christopoulos further teaches wherein the user agent (21a) inserts the media characteristics (see col.12, lines 60-66), Christopoulos does not explicitly teach of inserting data into a header field in the body of the message.

Hahn teaches inserting data into a header field in the body of the message (see col.4, line 63-col.5, line 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Christopoulos in view of Hahn so that media characteristics can be inserted into a header field in the body of the message. One would be motivated to do so because one of ordinary skill in the art would agree that such means is well known and widely employed to allow transmission to occur quickly in a single transaction without relaying multiple messages back and forth and because the location of inserting media characteristics is subjective and unpatentable.

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Conclusion

5. For the reasons above, claims 1-20 have been rejected and remain pending.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

July 19, 2007